



ICOLC Statement on the Metadata Rights of Libraries

August 26, 2022

Statement:

Metadata and the metadata services that describe library collections are critical in supporting content discovery, knowledge creation, and libraries' public missions. Metadata describing library collections is not typically copyrightable, and should be considered freely shareable and reusable under most circumstances. However, some industry players restrict libraries' rights to use such metadata through contractual terms and market influence. Such restrictive activity is out of alignment with libraries' needs and public, not-for-profit/educational missions.

The endorsers of this document urge all organizations, whether for-profit or not-for-profit, to uphold libraries' rights and interests to use, re-use, adapt, aggregate, and share metadata that describes library collections to serve the public interest, without restriction or limitation.

Background:

"Metadata" is a term without a static definition in law, but it is generally accepted that "metadata" is factual data about data.

Library bibliographic metadata typically provides a factual description of the content and collections that libraries make available to their users. For example: bibliographic records may contain a book's title, author, publication year, subject headings, and other fields. This metadata may vary in its comprehensiveness and descriptiveness, but is not typically considered a creative expression.

Libraries have long created metadata about their collections with the explicit intent that it be shared, re-used, and modified openly in an unrestricted manner to promote access to information. Metadata that describes library collections is core to libraries' non-profit, educational missions in how they function, both day-to-day and strategically. It enables users to discover and access library materials, supports collaboration among libraries, aids in stewardship of informed library purchasing decisions, allows libraries to observe regional and world-wide metadata use trends, and supports analyzing cataloging trends and conventions.

Given how important it is for libraries to use, re-use, and share such metadata freely, current industry trends are troubling. Limited choice in affordable metadata service options, along with restrictions imposed on metadata use,

re-use, and sharing across collaborations, platforms, system types, and providers, are impeding libraries' rights and ability to innovate and collaborate to serve their users effectively. Market-limiting pressure that allows for and enforces any monopolistic practices, whether through commercial contracts or policy, is antithetical to libraries' purpose and marginalizes underfunded libraries.

Recent Context for This Statement:

On June 13, 2022, OCLC registered a [complaint](#) (lawsuit) requesting temporary and permanent injunctions and damages against Clarivate and its subsidiaries, ProQuest and Ex Libris, in order to stop Clarivate's efforts to create a new no-cost cataloging service for libraries.

According to the complaint, this new service, MetaDoor, would directly compete with OCLC and, according to OCLC, lead to improper record use. OCLC also claimed that Clarivate was encouraging OCLC's customers to breach their contracts with OCLC by providing library metadata in the form of bibliographic records to this alternative service.

On June 27, 2022, the court issued a [temporary injunction](#) against Clarivate.

As yet unheard within this complaint and the temporary injunction issued are the voices of the libraries who created this metadata and whose collections those records describe. Libraries are named within the suit; the case's supporting documents list several academic libraries and individuals who work for them, asserting that these institutions were solicited to violate their contracts with OCLC (see Doc. #5 in the case).

Central to this lawsuit is libraries' use and sharing of their catalog records and the metadata describing their books and other collection materials. Individual employees in libraries within public and private not-for-profit settings created these records, and have contributed them back to the library community via OCLC platforms. Libraries pay subscriptions to OCLC with the intent that this contributed data be made available to other libraries for use, re-use and sharing. Libraries become members of OCLC when they purchase or subscribe to any of OCLC's services. OCLC's services provide libraries with ways to build on others' metadata work, and to make library holdings discoverable in OCLC's WorldCat service. While libraries pay substantial fees to OCLC and other providers for services including deduplication, discovery, and enhancement, they do not do so with the intent that their records should then be siloed or restricted from re-use. Regardless of who has contributed to descriptive records, individual records are generally not copyrightable, nor is it in the public interest for their use to be restricted.

Libraries Assert That Bibliographic Data Should Be Freely Available for Sharing and Reuse

Libraries intend that metadata describing their collections be freely available and discoverable to all they serve, including the patrons of other libraries with whom they share. Libraries put their labor into creating and enhancing bibliographic records in order to enable library content discovery and to support societies in pursuing knowledge for shared benefit. The labor involved in library catalog record creation was, in many cases, supported by public funds for public use. These records were not created for the purpose of corporate gain or fiscal sustainability, though corporations may develop enhanced services that rely on this data. Any corporate interest that asserts a right to limit or determine how libraries may use, re-use, or share the records that they have created does so in direct contradiction to libraries' articulated needs, and against the public interest.

The authors and signers of this statement agree with the Association of Research Libraries' "[Issue Brief: Metadata and Copyright](#)," which asserts that library metadata is not typically copyrightable, and that this bibliographic metadata can and should be shared widely.

Indeed, this position is consistent with OCLC's own in its "[WorldCat Rights and Responsibilities for the OCLC Cooperative](#)" document:

The WorldCat database is more than a collection of OCLC member-contributed records. Its value is in the cooperation and outcomes it supports, not in the ownership of the records themselves. While, on behalf of its members, OCLC claims copyright rights in WorldCat as a compilation, it does not claim copyright ownership of individual records.

Without commenting on the lawsuit itself, or the contractual terms to which individual institutions have agreed with either of the parties involved – details of which we cannot be certain in all cases due to confidentiality clauses – **the ICOLC member consortia and other entities, organizations or individuals endorsing this statement wish to signal their opposition to any ventures that aim to impose limits on libraries' ability to effectively use, re-use, adapt, aggregate, and share the bibliographic metadata they create or enhance.**

Endorsing Organizations

This report has been endorsed by the ICOLC Coordinating Committee [and libraries/consortia to be named later]. Click [here](#) to add your endorsement.

About ICOLC

The International Coalition of Library Consortia (ICOLC) is an informal, self-organized group currently comprising approximately 200 library consortia in North and South America, Europe, Australia, Asia, and Africa. The member consortia serve all types and sizes of libraries. ICOLC has been in existence since 1996.

ICOLC supports participating consortia by facilitating discussion on issues of common interest. Twice per year ICOLC conducts meetings dedicated to keeping participating consortia informed about new electronic information resources, pricing practices of electronic information providers and vendors, and other issues of importance to directors, governing boards, and libraries of consortia. From time to time ICOLC also issues statements regarding topics which affect libraries and library consortia.

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